

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 23, 2004

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Andreason, Burkett, Cameron, Malepeai, McWilliams, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Caitlin Lavelle, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Andreason, Burkett, Cameron, Malepeai, McWilliams, and Schroeder were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 22, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 119

BY AGRICULTURAL AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING CERTAIN ADMINISTRATIVE RULES OF THE IDAHO DEPARTMENT OF AGRICULTURE THAT IMPOSE A FEE OR CHARGE, CONCERNING RULES FOR WEIGHTS AND MEASURES, AND PROVIDING THAT THOSE RULES SHALL BECOME EFFECTIVE UPON FINAL ADOPTION OF THIS RESOLUTION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, certain pending rules of the Idaho Department of Agriculture that impose a fee or charge, concerning rules for weights and measures, need to be approved expeditiously in order to adequately fund the Department of Agriculture's licensing of weighing and measuring instruments, thereby making it advisable to consider the pending rules separately for approval by both houses of the Legislature by concurrent resolution; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that certain administrative rules of the Idaho Department of Agriculture that impose a fee or charge, concerning licensing of weighing and measuring instruments, IDAPA 02.02.14, relating to rules for weights and measures, adopted as pending fee rules under Docket Number 02-0214-0301, pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2004 legislative session, be, and the same are approved, and shall become final and effective upon final adoption of this resolution.

SCR 119 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

SR 107

BY SCHROEDER

A SENATE RESOLUTION

PROVIDING FOR AN AMENDMENT TO RULE 20 OF THE RULES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that an amendment to the Senate Rule 20 be adopted.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, that Senate Rule 20, be, and the same is hereby amended to read as follows:

RULE 20

Committees -- Quorum. -- (A) Committees shall not proceed to the transaction of business except upon a quorum being present when the committee convenes, nor thereafter if any member objects to a lack of a quorum. A quorum shall consist of a majority of the committee membership.

Committee Meetings. -- (B) No committee shall meet during the session of the Senate, nor at any time occupy the Senate Chamber, without leave of the Senate.

Committees -- Rules and Procedure. -- (C) Unless otherwise specified, general rules of procedure governing the Senate shall govern procedure in all committees and subcommittees, except there may be no call of any committee or of the Senate while in the Committee of the Whole. A motion to adjourn shall not be in order in the Committee of the Whole.

Committee Hearings. -- (D) All proceedings of the Senate and the Committee of the Whole shall be open. Hearings held by any standing, select, or special committee shall be open to the public at all times, and any person may attend any hearing of such committee, but may participate in the committee only with the approval of the committee itself. The committee chairman, or the acting chairman, shall announce the subject of the matter under inquiry and proceed with hearing testimony or examining witnesses. Each person testifying before the committee shall state his name, address, business, or occupation, and special interest in the matter being heard.

Committee Meetings Attendance. -- (E) All persons may attend any meeting of any standing, select, or special committee, but may participate in deliberations or discussions only with the approval of the committee. Nothing contained in this rule shall be construed to prevent, upon a two-thirds vote recorded in the minutes of the meeting of the committee, the committee from holding an executive session during any meeting after the chairman has identified the authorization under the provisions of Section 67-2345, Idaho Code, for holding the executive session. An executive session may be held as provided in Section 67-2345, Idaho Code.

Hearings Required. -- (F) No bill shall be sent to the Senate floor by any committee of the Senate without a public hearing on the bill for testimony to be presented, if such bill is proposing to amend the statutes of the state of Idaho and if a hearing is requested by any committee member.

Objection to Testimony. -- (FG) If any member of the committee shall object to the testimony, or any part thereof, of any witness, the chair of the committee may overrule the objection, require the witness to refrain from the objectionable testimony or may disallow further testimony and otherwise maintain order. The chair of the committee shall decide all questions of order subject to appeal.

Buck Slips. -- (GH) Buck slips may be used for committee action on the introduction of or recommendations on bills, but only in instances where committee meetings are impractical. The objection to the use of a buck slip by one committee member shall preclude its use in that instance. All committee members, who are not absent and excused from attendance in the Senate on that day, shall be required to sign their names indicating their aye or nay vote on the matter being considered.

SR 107 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 23, 2004

The JUDICIARY AND RULES Committee reports that **S 1218**, **S 1219**, **S 1220**, **S 1221**, **S 1222**, **S 1223**, and **SCR 118** have been correctly printed.

DARRINGTON, Chairman

S 1218 and **S 1219** were referred to the Finance Committee.

S 1220 was referred to the State Affairs Committee.

S 1221 was referred to the Judiciary and Rules Committee.

S 1222 and **S 1223** were referred to the Local Government and Taxation Committee.

SCR 118 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 23, 2004

The FINANCE Committee reports out **S 1218** and **S 1219** with the recommendation that they do pass.

CAMERON, Chairman

S 1218 and **S 1219** were filed for second reading.

January 23, 2004

The HEALTH AND WELFARE Committee reports out **S 1215** with the recommendation that it do pass.

BRANDT, Chairman

S 1215 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 22, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mary Hartung of Boise, Idaho, was appointed as Director of the Department of Insurance to serve a term commencing January 4, 2003, and expiring January 4, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1224
BY BAILEY
AN ACT**

RELATING TO SPECIAL MOTORCYCLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-418D, IDAHO CODE, TO ESTABLISH A SPECIAL MILITARY VETERAN MOTORCYCLE LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

**S 1225
BY SCHROEDER
AN ACT**

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AMENDING SECTION 33-101, IDAHO CODE, TO REFERENCE THE EXERCISE OF LEGISLATIVE POWERS BY THE LEGISLATURE OF THE STATE OF IDAHO.

**S 1226
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1316, IDAHO CODE, TO CLARIFY THE DEFINITION OF LOCALIZED SERVICE; AMENDING SECTION 72-1346, IDAHO CODE, TO CLARIFY REFERENCES TO THE FEDERAL UNEMPLOYMENT TRUST FUND, TO PROVIDE THAT REED ACT APPROPRIATIONS ARE SUBJECT TO CERTAIN STATUTORY CONDITIONS AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 72-1348, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 72-1351, IDAHO CODE, TO PROVIDE A LONGER PERIOD OF TIME TO REQUEST A TRANSFER OF AN EXPERIENCE RATING ACCOUNT, TO PROVIDE THAT WHENEVER AN INDIVIDUAL OR ORGANIZATION SUCCEEDS TO OR ACQUIRES ALL OR PART OF THE BUSINESS OF A COVERED EMPLOYER THE TRANSFER OF THE PREDECESSOR'S EXPERIENCE RATING ACCOUNT SHALL BE MANDATORY IF THE MANAGEMENT OR OWNERSHIP OR CONTROL OF THE BUSINESS IS SUBSTANTIALLY THE SAME FOR THE SUCCESSOR AS FOR THE PREDECESSOR AND THERE IS A CONTINUITY OF BUSINESS ACTIVITY BY THE SUCCESSOR AND TO DEFINE THE TERM "EXPERIENCE RATING ACCOUNT"; AND DECLARING AN EMERGENCY FOR SECTION 4 OF THIS ACT.

S 1224, S 1225, and S 1226 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1216 and **S 1217**, by Finance Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Monday, January 26, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary